IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5313 of 1993
with
CIVIL APPLICATION No 6026 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HIMMATLAL K SHAH
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 5313 of 1993
MR YOGESH S LAKHANI for Petitioner No. 1
MR NAGESH SOOD AGP for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 27/08/2003

ORAL JUDGEMENT

#. This Special Civil Application was filed by petitioner-Himmatlal Kodhidas Shah, who expired during earthquake, which took placed in 2001. His legal heirs have filed above Civil Application for bringing them on record and to prosecute the above Special Civil Application.

#. Today, when this Special Application was called out for

hearing in the morning it was brought to my notice by Mr.Jagdish Mehta for Mr.Lakhani that the petitioner-Mr.Himmatlal Kodhidas Shah has expired, therefore, his legal heirs have filed Civil Application to come on record of this case. Therefore, the Office was directed to place papers of Civil Application along with this petition. Accordingly, the Office has placed papers of above Civil Application along with this petition.

#. Rule on Civil Application No.6026 of 2003. Learned AGP, Mr.Sood appearing for respondents in main writ petition waives service of notice of rule for respondents.

Heard learned counsel for the parties. Delay is condoned in filing this application late and according Civil Application No.6026 of 2003 is granted by permitting the applicants to join as legal heirs of original petitioner-Himmatlal Shah. They may be now shown as legal heirs of deceased petitioner-Himmatlal Shah. Rule is made absolute with no order as to costs. Cause title of main writ petition be corrected today itself.

#. Mr.Jagdish Mehta for petitioners-legal heirs of deceased-Himmatlal Shah seeks permission to withdraw this writ petition as they want to make representation before the competent authority to which learned AGP, Mr.Sood has no objection. Accordingly, permission is granted and the main writ petition is disposed of as withdrawn. Rule is discharged.

(B.J.Shethna, J.)
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